HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 25992 of 2007

Dated 6th December, 2007

Between

Devara Kammayya

…Petitioner

and

The Additional Agent to the Government,
Rampachodavaram, EG District, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 25992 of 2007

ORDER:

In view of the pendency of the appeal filed by the petitioner against the order of eviction before the first respondent, this Writ Petition is disposed of at the admission stage.

The petitioner claims to be the owner and possessor of the land to an extent of Ac.1.60 cents (Hec.0.66 acres) covered by Sy.No.252/1 of Indukuru village in Devipatnam Mandal of East godavari District. It is stated that the said land was purchased by his grand mother from its previous owner, a non-tribal, by registered sale deed dated 4-7-1964. It is stated that, earlier, proceedings were initiated against the grand father of the petitioner on the ground that the said transaction was hit

by A.P. Scheduled Areas Land Transfer Regulation 1/1959, as amended by Regulation 1/1970, but however, the same ended in his favour. In spite of the same, it is stated that, again proceedings were initiated against the petitioner and the primary authority-second respondent, by order dated 5-11-2007 passed in Proceedings No.ADOLTR.No.90/2007 ordered eviction of the petitioner and directed to take custody of the said land into Government, and, to assign the same to eligible tribes. It is further stated that as against the said order of the primary authority, the petitioner had sent appeal by Registered Post, but,however the same was refused to be received, and, subsequently, the petitioner presented the appeal in person on 1-12-2007 and the same is pending consideration.

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

Whether the purchase of the subject land by the petitioner is in contravention of the A.P. Scheduled Areas Land Transfer Regulation 1/ 1959, as amended by Regulation 1/1970 or not, is a matter which is required to be considered by the appellate authority. In view of the pendency of the appeal, it is not desirable to record any finding on the said transaction at this stage. As much as the earlier proceedings ended in favour of the petitioner and the appeal filed by the petitioner before the appellate authority is pending consideration, I deem it appropriate to hold that any eviction at this stage will result in hardship to the petitioner. In that view of the matter, I dispose of the Writ Petition directing the first respondent-appellate authority to dispose of the appeal filed by the petitioner on 1-12-2007 as expeditiously as possible, by giving opportunity to the petitioner. Till the disposal of the

said appeal, the order dated 5-11-2007 passed by the second respondent shall remain suspended and there shall be a further direction to the respondents to allow the petitioner cultivate the subject lands, pending disposal of the appeal

Subject to the above direction, the Writ Petition is disposed of at the admission stage. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 6-12-2007
Msnr.